

STATE DNRC FIRE SUPPRESSION POLICIES
SELECTED RELEVANT MCA AND ARM SECTIONS

PROTECTION OF NATURAL RESOURCES

76-11-101. Protection of natural resources from fire. The department of natural resources and conservation shall adopt rules to protect the natural resources of the state, especially the natural resources owned by the state, from destruction by fire and for that purpose, in emergencies, may employ personnel and incur other expenses when necessary.

76-11-102. Cooperative agreements with owners and lessees of land for fire protection and conservation. (1) For the purpose of more adequately promoting and facilitating cooperation, financial and otherwise, between the state and all of the public and private agencies, the department of natural resources and conservation may cooperate with owners or lessees of farm, range, forest, watershed, or other uncultivated lands in private and public ownership for the protection from fire of the cultivated agricultural crops or natural resources existing or growing on the land and also in the conservation and perpetuation of the lands and resources, including the prevention of soil erosion and the regulation of stream flow.

(2) The state treasurer may receive money that may be appropriated or allotted for the purposes listed in subsection (1) by the state, counties, municipalities, the United States government or any department of the federal government, or other organization or individual.

7-33-2210. State to be reimbursed for forest fire suppression activities in noncooperating counties. A county that has not entered into a cooperative or other written agreement with the state for forest protection shall reimburse the state for costs incurred by the state in connection with state fire suppression activities resulting from a forest fire emergency in that county.

PROTECTION OF IMPROVEMENTS

76-13-105. Protection of nonforest lands and improvements. Nonforest lands and improvements may be protected by the department when requested by the landowner at rates determined by the department.

ARM 36.10.161 Formula to set landowner assessments for fire protection. (1) On or before August 1, 1994, the department shall, pursuant to 76-13-207, MCA, set the annual fire assessment fee due from landowners pursuant to Title 76, chapter 13, parts 1 and 2, MCA. The total of all statewide landowner assessments must be as equal as administratively possible to but no greater than one-third of the amount appropriated by the legislature to fund the protection costs.

(2) The individual assessments must be established using the following criteria:

(a) Each person who is responsible for fire protection pursuant to 76-13-108 and 76-13-201, MCA, and for whom the department provides fire protection, must be assessed a per capita landowner fee. The total per capita landowner assessments statewide from persons who own 20 acres or less of land for which the department provides protection must be as close as administratively possible to 50% of the total private landowner assessments.

(b) A person who owns more than 20 acres of land for which the department provides protection

shall, in addition to the fee assessed pursuant to (a), pay a per acre fee for each whole acre that the person owns in excess of 20 acres. The total of all assessments statewide from persons who own more than 20 acres must be as close as administratively possible to 50% of the total statewide assessment.

(3) Except as provided in (a), the per capita and per acre fees set for 1994 must remain in effect for subsequent years.

(a) The department shall reset the per capita and per acre fees whenever:

(i) it is necessary to reset fees to obtain the amount appropriated by the legislature; or

(ii) the fees assessed statewide pursuant to (2) (a) on persons who own 20 acres or less of land for which the department provides protection obtain more than 55% or less than 45% of the total amount appropriated by the legislature.

(b) Whenever the department resets the fees pursuant to (a), it shall do so in accordance with (2) and the fees must remain in effect until either of the conditions in (a) is met.

ARM 36.10.129 Wildland/urban interface. (1) County governments without subdivision wildfire protection standards are encouraged to establish standards for all new subdivisions by January 1, 2000.

(2) The Fire Protection Guidelines for Wildland/Residential Interface Development, (DSL/DOJ, 1993), is available for use to assist counties in the development of standards.

FUNDS FOR DNRC FIRE EFFORTS

76-13-111. Permissible expenditures. (1) The following funds may be expended as directed by the department for fire prevention, detection, and suppression and for forest range, water, and soil conservation:

(a) all moneys collected by county treasurers as assessments on forest lands for forest protection;

(b) moneys collected for the abatement of public nuisances;

(c) all fines collected, except those collected in a justice's court, for violations of this part or part 2;

(d) the state's share of the cooperative fire protection funds allocated by the federal government;

(e) any other funds provided for the purposes herein indicated.

(2) All other cooperative funds collected, appropriated, or allocated for the use of the department, including funds for the removal of slash hazards resulting from logging or other wood operations on state and private forest lands, those provided for the purpose of helping to maintain the maximum productivity of the forests of the state, those provided for purposes designed to assist the farmers of the state in the establishment of windbreaks and woodlots in localities where those forest plantings are helpful, and funds for other cooperative work, may not be expended except for the specific purposes for which they were collected, appropriated, or allocated.

FUNDING OF DNRC FIRE EFFORTS FROM OWNERS OF PRIVATE FOREST LAND

76-13-201. Duty of owner to protect against fire. (1) An owner of land classified as forest land by the department shall protect against the starting or existence and suppress the spread of fire on that land. This protection and suppression must be in conformity with reasonable rules and standards for adequate fire protection adopted by the department.

(2) If the owner does not provide for the protection and suppression, the department may provide it at a cost to the landowner of not more than \$30 for each landowner in the protection district and of not more than an additional 20 cents per acre per year for each acre in excess of 20 acres owned by each landowner in each protection district, as necessary to yield the amount of money provided for in 76-13-207. The owner of the land shall pay the charge approved by the department in accordance with part 1 and this part to the department of revenue. Payments to the department of revenue are due on or before November 30 of each year.

(3) Other charges may not be assessed to a participating landowner except in cases of proven negligence on the part of the landowner or the landowner's agent.

STATE FIRE PROTECTION DISTRICTS

76-13-202. Means by which department may provide protection. The department may provide for forest fire protection of any forest lands through the department or by contract or any other feasible means, in cooperation with any federal, state, or other recognized agency.

Title 76, chapter 13, part 2 describes the process for the establishment of organized fire protection districts and the assessment of property within them. The assessment on forest lands is described above in Section 76-13-201, MCA and can total no more than 1/3 of the department's anticipated annual fire protection budget.

RURAL FIRE DISTRICTS

Title 7, chapter 33, parts 21, 22, 23, and 24 describe the authorities, responsibilities, and assessments for fire protection and suppression in unincorporated areas by local organizations.